



LEGAL SERVICES CORPORATION

Office of Program Performance

***FINAL
PROGRAM QUALITY REPORT***

FOR

***Legal Aid Society of Middle Tennessee and the
Cumberlands***

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The Legal Aid Society of Middle Tennessee and the Cumberlands Program Quality Report

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INTRODUCTION

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit to the Legal Aid Society of Middle Tennessee and the Cumberland (LAS) from November 18 – 22, 2013. Team members included OPP Program Counsel Willie Abrams (co-team leader), OPP Program Counsel Tillie Lacayo (co-team leader, off-site), OPP Program Analyst Jane Ribadeneyra, and LSC temporary employees Christy Fisher, Jeremy Lane, and Kathy Duncan.

Program Quality Visits are designed to evaluate whether LSC grantees are providing the highest quality legal services to eligible clients. In conducting the evaluation, OPP relies on the LSC Act and Regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA ("American Bar Association") Standards for the Provision of Civil Legal Aid. The evaluation was organized to follow the four Performance Areas of the LSC Performance Criteria, which cover needs assessment and priority setting; access to services and engagement with the low-income community; legal representation; and program management, including board governance, leadership, administration, resource development, and coordination within the delivery system.

The team reviewed documents provided by the program to LSC, including recent applications for funding, technology and PAI plans, workforce analysis charts, and case service and other services reports. The team also reviewed materials obtained in advance of the visit, including documents relating to board governance, intake, legal work, case management policies and systems, and the results of an online staff survey. While on site, the team visited LAS' offices in Clarksville, Columbia, Cookeville, Nashville, Murfreesboro, Oak Ridge, and Tullahoma. The team interviewed program leadership and administration personnel, attorneys, paralegals, and support staff. The team also interviewed several members of the board of directors, judges, members of the private bar, and staff at community partner organizations. Some interviews were conducted by telephone.

SERVICE AREA AND PROGRAM OVERVIEW

The Legal Aid Society of Middle Tennessee and the Cumberland (LAS) operates eight offices in Clarksville, Cookeville, Columbia, Gallatin, Murfreesboro, Nashville, Oak Ridge, and Tullahoma. Its service area is 20,908 sq. miles, and is a mixture of rural and urban areas. LAS was formed in January 2002, with the merger of the Legal Aid Society of Middle Tennessee (Nashville) and Rural Legal Services of Tennessee (Oak Ridge). The combined program also included the area served by Legal Services of South Central Tennessee (Columbia).

The U.S. Census Bureau's American Community Survey¹ 3-Year Estimates reflect that LAS' service area has a poverty population of 443,950.² Roughly 1.84% of residents of the service area are linguistically isolated.³

¹ The American Community Survey (ACS) is a survey conducted by the U.S. Census Bureau. The ACS has replaced the U.S. Decennial Census as the principle mechanism for generating social, demographic, economic and related data about the U.S. population. The ACS conducts one-year, three-year, and five year surveys.

In 2013, LAS received \$2,525,882 in LSC basic field funding. It receives no migrant or Native American grants. LSC funding comprised 39% of LAS' 2012 revenue. The program has experienced an increase in its service area poverty population since the last decennial census and LAS' LSC funding has increased as a result of the census adjustments. During 2014 the program will receive \$3,013,690 from LSC. LAS also receives funding from local, state, and federal sources, as well as foundations and a Tennessee Bar Association (TBA) IOLTA grant. The program also received significant funding from the state Attorney General's office as a result of the settlement of the national mortgage foreclosure case.

LAS has 74 persons on staff, 30 of whom are attorneys. The Nashville office houses program administration and is the largest direct service office.

LSC's Office of Compliance and Enforcement (OCE) conducted a CSR/CMS review of LAS from February 27 – March 2, 2012. The final report from the CSR/CMS review contained a number of recommendations and corrective actions. Based upon its contact with the program after the 2012 CSR/CMS Review and the program's grant application for funding during 2014, the OCE concluded that the program had no significant/material deficiencies as to compliance with LSC's fiscal regulations and internal controls and had addressed all corrective actions and recommendations satisfactorily.

SUMMARY OF FINDINGS

The Legal Aid Society is a strong program that is outstanding in many respects. It is highly visible, active and collaborative in Tennessee's state justice community. Its resources include an executive director with a firm vision for a unified law firm and the willingness to make the changes necessary to achieve that vision, a leadership/management team deeply committed to high legal work standards and creating a supportive environment for newer attorneys, an active and involved board of directors, a group of dedicated and highly experienced senior advocates and capable, enthusiastic newer advocates, a strong pro bono program in the Nashville area, an impressive resource development component and annual campaign, and a community education coordinator and staff that recognize the importance of community education as a critical element in an effective legal services delivery system.

The program is aware of the critical legal needs of the low-income population in its service area, and responds effectively to issues that emerge between formal needs assessments. It engaged in strategic planning during 2013, through a process that included both board members and staff, and has developed an insightful and well-thought-out strategic plan. Timelines and assigned responsibilities that will help insure that the plan becomes a living document are, for the most part, still to be developed.

The program offers intake through a variety of portals; however, intake is neither unified nor coordinated throughout the program. Though the majority of intake is conducted by phone, the program relies primarily upon a call-back system, with the predictable delays attendant in such a system. It is not supported by a reliable telephone system and obtaining a new phone system

² 2011 American Community Survey 3-Year Estimates.

³ 2007-2011 American Community Survey 5-Year Estimates.

should be a top priority for LAS. Intake generally varies from office to office, with each office tailoring its intake functions to office preferences and adhering to longstanding local office practices. Though the program has developed expected norms that are applicable to intake throughout the program, it has no intake policies and procedures manual that incorporates the various ad hoc policies applicable to intake. Such a manual would help ensure that clients throughout the service area all have the same access to intake and would be promptly attended to no matter where they reside.

A slowness to embrace technology and appreciate its benefits has been a hindrance to program development in recent years. This has begun to change – albeit slowly – at LAS. Though the program is still a long way from having a strong technology infrastructure, the culture has begun to shift in that direction.

LAS regularly assesses the effectiveness of its work. Its longtime (and now former) general counsel undertook extensive efforts to lay the groundwork for program efforts to continue in this and other areas after his departure. The program implemented a new case management system shortly before the Program Quality Visit that should facilitate and improve the capturing, organizing and assessment of outcomes in the future.

One of the program's greatest strengths is its staff – consisting of many experienced senior advocates who seem always willing to share their knowledge with less-experienced staff and a group of highly motivated newer attorneys who are eager to learn from their colleagues. The program has the mechanisms in place to ensure appropriate quality control and oversight of legal work and during 2013 initiated as a pilot project an attorney orientation staff development plan for newer attorneys. The plan seeks to ensure the incremental and progressive development of attorneys that have been with the program for five years or less.

Though PAI efforts are weak or nonexistent in some LAS office service areas, the pro bono program in Nashville is strong. LAS has taken initial steps to regionalize pro bono within the program, make resources in Nashville available to some of the more rural areas and extend Nashville's successes to other offices.

The program's resource development efforts – particularly its well-orchestrated annual campaign – are strong. It has been the beneficiary of a couple of sizeable bequests in recent years that have brought to the fore the importance of planned giving, and it has a committee that focuses on just that.

We applaud the program's engagement in strategic planning. The plan aspires to make LAS a stronger program in the future and, if promptly implemented, should address all major recommendations contained in this report.

FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

PERFORMANCE AREA ONE. Effectiveness in identifying the most pressing civil legal needs of low-income people in the service area and targeting resources to address those needs.

Criterion 1. Periodic comprehensive assessment and ongoing consideration of legal needs

Finding 1: The most recent legal needs assessment was completed by LAS in the fall of 2010. A new legal needs assessment will be conducted in 2014 under the auspices of the Tennessee Access to Justice Commission and will encompass the entire state of Tennessee.

The most recent comprehensive legal needs assessment was completed by the program in the fall of 2010. The assessment began by dissemination of a survey to social service organizations, former clients, client-eligible individuals, and members of the private bar. Focus groups, interviews, and meetings with a variety of constituencies were also used to gather information. After survey results were reviewed, the executive director personally visited each office of the program and discussed survey results with staff. The needs assessment process also included an evaluation of requests for legal assistance, census data, and cases handled over the previous year.

In January of 2014, the Frist Foundation approved a grant request from the Tennessee Supreme Court's Access to Justice Commission to support a comprehensive statewide study of the legal needs of low-income and homeless Tennesseans. The study will be conducted by the University of Tennessee's College of Social Work Office of Research and Public Service (SWORPS) and will include an updated needs assessment, identifying the civil legal needs of low-income Tennesseans, as well as an examination of the effectiveness of the current delivery system for meeting these needs. The initiative will involve leading law firms, legal aid organizations, and the Tennessee Supreme Court. SWORPS conducted a prior legal needs assessment study for Tennessee in 2003.

Criterion 2. Setting goals and objectives, developing strategies and allocating resources

Finding 2: The program's priorities are broad and cover the range of areas in which legal issues for low-income persons arise.

The program priorities are broadly stated and include the following:

- preserving the home and obtaining housing (foreclosures, evictions);
- maintaining economic stability (SSI, TANF, SNAP/Food Stamps);
- maintaining income (income tax, unemployment compensation);
- maintaining assets (consumer);
- obtaining health care (ACA education, TennCare/Medicaid, Medicare);
- maintaining family stability and safety from domestic violence (orders of protection, divorce, safety planning).

In setting its priorities, the program considers other legal service providers and resources available throughout the service area, including the Tennessee Justice Center, the Tennessee Disability Law and Advocacy Center, Southern Migrant Legal Services, and the legal clinics at Vanderbilt University School of Law and the University of Tennessee College of Law, among others.

Criterion 3. Implementation

Finding 3: The program has developed a thoughtful strategic plan covering 2014 – 2018. The plan includes goals, objectives and strategies; however, it contains little detail concerning its implementation, few timelines and no assigned areas of responsibility.

On October 22, 2013, the program adopted a strategic plan encompassing the period from 2014 to 2018. The planning process was an inclusive one, involving participation by LAS board and staff. It was facilitated by a representative of the Center for Nonprofit Development, which is located in Nashville. Committees will oversee the plan's implementation, with specific goals from the plan assigned to each committee and objectives for the year mapped out by the individual committees.

The executive director has effectively shepherded the development of what is an ambitious strategic plan to guide the program's efforts in the upcoming years. He visited program offices at the beginning of the process and after the plan had been developed so that he could discuss it with staff. There appears to be strong buy-in at both the board and staff level, along with a high degree of interest throughout the program in seeing that implementation starts as soon as possible. The next few months will be critical to sustaining the momentum generated by the planning effort. If staff and board members see movement happening, buy-in is likely to continue. If the plan languishes, program leadership may lose credibility.

Recommendation⁴ I.3.3.1*: *The executive director should move promptly to assign responsibility for implementation of the strategic plan through the creation and staffing of committees. The participation of client board members in this process should be encouraged, with client board members assigned to appropriate task-related committees. The executive director should communicate regularly with both staff and the board throughout the implementation process, so all can see that movement is occurring. The committees should establish timelines for completion of the various tasks involved in implementing the plan, with periodic adjustments made yearly, as needed. Any adjustments or revised timelines should also be communicated to all staff to maintain confidence that implementation is continuing to move forward.*

⁴ Recommendations in this report will have a Roman Numeral to identify the Performance Area, followed by three numbers identifying, respectively, the Criterion addressed by the recommendation, the number of the finding and a number designating whether it is the first, second, third, etc., recommendation under that finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, finding 14, and third recommendation under finding 14. There are two levels of recommendations in this report: Tier One and Tier Two. Recommendations that are indicated with an asterisk are Tier One recommendations and are seen as having a greater impact on program quality and/or program performance. In its next Application or Renewal, the program will be asked to report on its implementation of Tier One recommendations.

Criterion 4. Evaluation and adjustment

Finding 4: LAS regularly assesses the effectiveness of its work. The new case management system should facilitate the capturing, organizing and assessment of outcomes.

LAS views itself as ahead of the curve when it comes to review, assessment, and reporting of outcomes. In 2007 the program's general counsel drafted proposed outcomes measures for review by an ad hoc Outcomes Committee of the program. In 2009 the general counsel developed guidelines for reporting outcomes. The guidelines formally recognize that outcomes information presents significant opportunities to increase funding for the program, establish and strengthen collaborations, reinforce the program's own commitment to self-evaluation, and help the public understand and appreciate the value of legal services to the community.

The program captures and assesses outcomes concerning the results of its advocacy in several different areas, including Internal Revenue Services (IRS) cases, mortgage foreclosures, and disability cases, among others. In addition, LAS regularly assesses the effectiveness of its work through the review of closed cases, matters reports, and reports provided to other funders throughout the year. In addition, the program sends satisfaction questionnaires to all clients who receive more than brief services.

The program recently upgraded to a new case management system, Legal Files, which should bring major improvements for capturing, organizing, and assessing outcomes and greatly enhance economic benefits tracking for LAS.

PERFORMANCE AREA TWO. Effectiveness in engaging and serving the low-income population throughout the service area.

Criterion 1. Dignity and sensitivity

Office Locations

Finding 5: The program's offices are well-located throughout the service area.

Program offices are strategically located for clients and near the courts or other service providers. The offices visited had adequate client waiting areas, are in parts of town accessible to the general public through major transportation routes, and are accessible to persons with physical disabilities. Legal education materials and informational brochures of interest to clients were displayed and available in all the offices.

All of LAS' offices are open for business on Monday through Friday, though office hours can vary somewhat. The program does not have evening hours although it does conduct walk-in clinics in some offices outside of normal business days or hours, including on Saturdays.

Intake

Finding 6: Intake at LAS is decentralized; the intake process can vary from office to office.

At the time of the last OPP evaluation visit in mid-2006, the program's approach to intake was for each office to shape the intake process based on the local conditions in each office's service area. At that time, the program had developed "expectations" that applied to the intake process in all substantive law areas and offices. Indications were that the program was working toward making the intake system consistent with its expectations. The program's expectations included the following:

- The system should be convenient to clients and convey a sense of respect and dignity to applicants;
- The system should be efficient and not unnecessarily consume staff time;
- Toll-free telephone access should be available throughout the service area;
- Intake should be available through telephone, walk-in, and community outreach access;
- Conflicts must be checked before confidential information, including financial information, is elicited;
- The intake system should give applicants a prompt answer to their request for services;
- Intake workers should be adequately trained to make eligibility determinations;
- Only priority cases should be handled;
- Each office or unit should have protocols to identify and respond to emergencies and critical cases; and
- The system should allow for controls on the number of cases each advocate accepts for extended representation.

Apart from the adoption of a new case management system (CMS), the intake system has remained largely unchanged since the 2006 visit. Intake is handled separately by each office or unit and procedures vary among offices. Though managing attorneys in their respective offices oversee and are responsible for intake in their offices, there is no staff person at LAS in charge of overseeing intake program-wide or ensuring that access to services is uniform throughout the service area.

Several years ago, the program moved toward a more holistic intake process by seeking information concerning legal issues of which an applicant for services may not be aware, but with which the program can provide assistance. This "active interview" process allows staff to identify second cases or significant issues that the client may not recognize as problems with legal solutions.⁵

The program's telephone system is antiquated and problems with the telephones exist throughout LAS.⁶ Each office is using a different analog phone system; some of them are over 15 years old and fail frequently. The software and telephones are no longer supported and parts for broken phones are difficult to replace. The systems in many offices do not provide caller ID, making it difficult at times to return phone messages. The program has an 800 number with "intelligent routing", which allows a call to be automatically routed to the office in the caller's service area. Calls that cannot be identified automatically are routed to the Nashville office. Clients calling the

⁵ For example, when someone sought help from LAS because their disability check had been garnished, a more in-depth inquiry revealed that the person had been the victim of identity theft and that the thief had unlawfully claimed a child tax credit.

⁶ Complaints about the phone system ranged from static on the line to broken equipment to the system sometimes not being operational when it rains.

Nashville office do not hear a recorded while waiting to speak with LAS staff.⁷ LAS' Low Income Tax Clinic, funded by the IRS, has its own toll-free telephone number and individuals can get information or make an appointment by calling this number. LAS' recently developed strategic plan includes a goal to enhance the organizational infrastructure through the optimal use of technology. A primary objective of that goal is to “[s]ecure funding for an organization-wide telephone system.”

Intake is available through various portals including telephone, walk-ins, clinics, and referrals from agencies and organizations in the service area. The program also conducts in-home intake, such as for nursing home residents, and conducts outreach intake at community agencies, health centers, senior centers, and judicial centers. Monthly walk-in clinics in Nashville, Murfreesboro, and Oak Ridge are scheduled outside of normal business hours and on Saturdays. The program also receives referrals from domestic violence shelters, and from schools and health clinics with which it has established educational or medical-legal partnerships.

The program implemented its new case management system, Legal Files, shortly before the November 2013 PQV. It was customized to meet the needs of the program. At the time of the visit, the program had developed a protocols and procedures manual for Legal Files that was in draft form.

LAS does not currently have a program-wide intake manual, but states that it intends to develop one during 2014. The newness of the CMS and the fact that staff are still becoming accustomed to the new system are contributing to a lack of uniformity in the intake process from office to office. This renders it difficult to impossible for the program to meet all its “expectations” with regard to intake.

Most intake staff also hold other positions at LAS – such as receptionist, office manager, paralegal – and as a result, the program is heavily dependent upon a call-back system. As one might expect with such a system, significant variation occurs within the program as to the promptness with which call backs are placed. Both the staff survey conducted in advance of the visit and on-site interviews reflect that call-backs fall behind regularly and can be delayed for up to five business days after an applicant’s initial contact with the program. However, applicants with emergencies appear to be attended to expeditiously in all offices.

Most intake staff enters intake information contemporaneously into Legal Files, but some have reverted to using paper forms initially due primarily to the slowness of the CMS. Legal Files includes specific questions based on case type, but not all staff use the questions consistently. Some offices have developed their own case-specific intake questions that are utilized instead.

The program’s strategic plan calls for LAS to “[e]nsure prompt and accurate service to clients by evaluating and strengthening the intake screening process and protocols.” The plan indicates that LAS intends to evaluate its current intake screening system, research best practices (including the use of technologies), and develop and test protocols designed to increase desired features of the intake/screening process.

⁷ The team heard during on-site interviews that LAS receives a number of calls from persons who live outside its service area and who are ultimately referred to the legal services program that covers their county of residence.

Recommendation II.1.6.1^{8*}: *In accordance with its Strategic Plan: 2014 – 2018, LAS should convene a working group within the program to gather information on the intake screening process and protocols in each office — including the utilization of resources devoted to initial intake and screening — and develop recommendations to strengthen the program’s intake/screening process. These should be based upon research of best practices at other legal services programs and evaluation of LAS’ current system. The working group should begin by examining the differences in intake procedures among the eight offices in order to determine those that are most efficient for clients, for the office, and for the program as a whole. The working group should explore coordinated telephone intake as the primary intake portal for the program, but should also consider the utilization of on-line intake, which is also mentioned in LAS’ strategic plan.*

Recommendation II.1.6.2*: *The program should develop a written intake manual that contains the policies applicable to all offices of the program. The manual will help ensure uniformity and adherence to expectations concerning what applicants for services throughout the entire service area can reasonably expect. The manual should incorporate relevant procedures from the Legal Files internal user’s manual and should contain protocols tailored to the new CMS. Parameters, norms, and guidelines concerning intake that apply throughout the entire service area should be established and clearly articulated, to ensure that clients have equal access and receive the same level of intake service no matter where they live. In developing an intake manual for the use of staff and volunteers, LAS could incorporate, with modifications, relevant parts of the manual created for volunteers participating in Nashville pro bono intake.*

Recommendation II.1.6.3*: *In accordance with its strategic plan as resources permit, the program should prioritize the acquisition of a new telephone system as part of its effort to strengthen the intake system and enhance the program’s organizational infrastructure. Until a new telephone system is acquired, LAS should develop a more detailed phone messaging system to enhance the information provided to callers.*

Recommendation II.1.6.4: *The program may wish to include recorded information for callers who are placed on hold. The information could be tailored to the particular office of LAS being contacted and could include a list of the counties covered by that office.*

Criteria 2 and 3. Engagement with the low-income population and access and utilization by the low-income population

Language Access

Finding 7: LAS’ program services, communications and activities appear to be conducted in a culturally and linguistically competent fashion. However, there are indications of a need to reach out more to limited English proficient populations in the area.

⁸ LSC has an Intake Focus Group that serves as a resource for LSC-funded programs and may provide technical assistance and consultation in a variety of intake-related areas.

Nashville is a resettlement city and as a result, has a number of LEP populations, including Somalis, Kurds, Iraqis, Burmese, and Laotians, in addition to a growing Latino population. Roughly 1.84% of residents of the service area are linguistically isolated.⁹ The program seeks to address language access issues for the growing population in the service area that speaks a primary language other than English. The program has an LEP/Language Access policy; however, the policy is in need of updating.

Several LAS staff persons and volunteers speak Spanish, the most prevalent language among the limited English proficient population and a few speak other languages in addition to English. The Nashville office has a full-time intake specialist who is bilingual in Spanish and English. Staff are familiar with and make regular use of Language Line. Cultural competency training and training on working with immigrant populations is often provided at the statewide legal services conference coordinated by TALS.

The Spanish-language portion of the program's website contains several informational brochures covering a variety of subject areas, including a tax guide for flood victims, developed after the floods that affected Tennessee in May of 2010. One of the program's monthly pro bono clinics in Nashville is dedicated to assisting Spanish-speaking LEP individuals.

Some on-site interviews indicate that the program would benefit from conducting outreach to LEP populations within the service area.¹⁰ Outreach to communities with LEP populations and contact with LEP clients has, in the past, produced an upswing in the number of persons from the targeted communities seeking legal assistance from LAS. For example, outreach to the Somali population in one part of the service area produced an increase in Somali applicants. Outreach to the Spanish-speaking population in Bedford County had a similar effect among the Latino population. Natural disasters have revealed the existence of LEP populations that were not accessing the program's services. For example, the floods of 2010 brought program advocates into contact with the Egyptian population in the Nashville area.

The program does not have a language access coordinator or staff person whose responsibilities would include ensuring periodic assessment of changes that have occurred in the LEP client population.

Recommendation II.2.7.1*: *The program should task a committee or an individual within LAS with periodic assessment of changes in the LEP population throughout the service area and with making recommendations for appropriate adjustments to its service delivery.*

Recommendation II.2.7.2*: *The program should update its LEP policy. Policies developed by other programs are available at LSC Resource information (www.lri.lsc.gov) and the National Language Access Advocates website (www.probon.net/nlaan/).*

⁹ The U.S. Census Bureau defines a household as linguistically isolated if all members of the household who are 14 years of age or over have at least some difficulty with English.

¹⁰ One staff person interviewed stated they felt there were "a lot of LEP persons in [their office's] service area but that they aren't coming in". Another noted that when the program has more Hispanic staff, the number of Hispanic applicants for services increases.

Recommendation II.2.7.3:* The program should conduct outreach to LEP populations, including those in the more rural parts of the service area. This is in accordance with one of its strategic plan strategies to “[e]stablish protocols governing outreach activities to reach particularly isolated or underserved communities and practices regarding effective and appropriate communication with specialized populations.”

PERFORMANCE AREA THREE. Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area

Criterion 1. Legal representation

Staff Experience

Finding 8: One of the program’s greatest strengths is its highly experienced staff.

A major program strength is the wealth of experience, expertise, and dedication of the sizeable group of advocates who have been with the program for many years. At the time of the LSC visit, 21 of the program’s 36 attorneys had ten years or more of experience and 13 had twenty years or more of experience. Another program strength equally deserving of mention is the number of excellent junior staff who share the commitment of their more senior colleagues, and who represent the future of the program. It is important for the program to ensure that they continue to get the mentoring and professional development they will need to prepare themselves to take the place of their senior colleagues when they leave the program.

LAS attorneys have been recognized as outstanding. They have been the recipients of TALS Access to Justice Awards, including the B. Riney Green Award (celebrating the advocate who demonstrates strong inter-program cooperation) and the New Advocate of the Year Award (honoring advocates who have excelled within their first five years of work.)

Many of the program’s attorneys have a strong state or national presence. The program’s former general counsel, who retired at the end of last year, was on the American Bar Association’s Standing Committee on Legal Aid and Indigent Defense for many years. He and several other LAS advocates, are former recipients of the Tennessee Bar Association’s award for outstanding service in the field of public interest law. The former general counsel now serves in an “of counsel” capacity, which is allowing him to continue to be an available resource to the program. Several LAS attorneys are frequent presenters at state and national conferences and trainings. Others are current or past leaders of the legal services statewide taskforces. One is on the editorial board of Clearinghouse Review, a publication of the Shriver Center on Law and Poverty.

The team heard from a number of staff, both senior and junior, about the willingness of newer staff to reach out to program experts, often across office lines, and of the willingness of those experts to share their knowledge, mentor their less-experienced colleagues and help them strategize on issues that arise in cases. As a result, clients enjoy the benefit of high quality legal representation across a very broad range of substantive areas.

Given the number of highly experienced attorneys and other case handlers on staff, the program realizes that it is critical to preserve the knowledge base that is one of its most valuable resources. LAS is working to develop a new generation of leaders within the program and counts among its staff several attorneys who are graduates of the Tennessee Bar Association's Leadership Law Program for outstanding young lawyers.

Legal Work Management and Supervision

Finding 9: The practices and procedures at LAS form a satisfactory general supervisory framework for the program.

The program has a number of mechanisms in place to ensure appropriate quality control and oversight of legal work. Sections of the program's administrative manual and a series of memoranda and guidance documents – primarily relating to the program's peer file review and new attorney development systems – govern legal work management.

As was the case at the time of the 2006 visit, the program largely relies on a system of supervision that values collaboration, co-counseling, annual peer reviews of legal work, mooting of appellate arguments, review of briefs, and the development of informal mentoring relationships within program offices and across office lines. However, since the 2006 OPP-OCE visit, the program has added additional formal practices to existing systems. Written performance evaluations are now conducted annually for staff. In addition to the annual performance evaluations, every case handler – including highly-experienced staff – has his or her files reviewed annually and comprehensively by another experienced case handler. In addition, newer attorneys' files are reviewed more often by their managing attorneys. The peer file review system was instituted by the program several years ago, under the direction of its former general counsel. The team heard from both the reviewers and the "reviewees" that it is a valuable process for the attorneys, regardless of their level of experience. The visit interviews bore out that co-counseling and regular case collaboration are occurring throughout the program. The visit team also found that in appellate cases and matters involving significant briefing responsibilities, mechanisms are in place to encourage if not assure that briefs are reviewed by experienced advocates before they go out and that oral arguments are mooted. The LSC team found that, with few exceptions, oversight of legal work is occurring in accordance with the program's articulated procedures. However, interviews also reflected that the use of tickler systems by advocates is uneven. Some advocates have multiple systems to protect against missed deadlines, while others largely rely on their own memory and knowledge of their caseload.

LAS initiated the "New Attorney Orientation and Staff Development Plan" in the spring of 2013 to ensure progressive development of program attorneys. The Plan applies to all attorneys with five years of experience or less practicing law with LAS and contains expectations and benchmarks for attorneys at the one¹¹, two, three, four and five year levels.

Staff caseloads generally appear to be appropriate in light of experience levels. However, a couple of senior staff with management responsibilities have caseloads that should be reduced to provide them more time to supervise and mentor newer staff.

¹¹ The expectations for a new attorney's first year are measured at three, six, nine and twelve months.

Though written legal work management policies exist at LAS, there is no legal work management and supervision manual that has the various policies in effect at the program located in one place so that they are accessible and can be easily referenced by all staff.

Recommendation III.1.9.1*: *The program should develop a written legal work management and supervision manual that contains all program policies in this area and should ensure that the policies are available and accessible to all staff electronically. As part of this process the program should develop and implement a uniform tickler system for use by advocates throughout the program. Such a system should ensure that advocates are informed of important deadlines and dates and that none is missed through inadvertence.*

Recommendation III.1.9.2: *Given the widespread support for the value of the annual file reviews conducted by peers, the team encourages program leadership to ensure that the function of overseeing this aspect of quality control is assigned to another member of program leadership following the general counsel's retirement from the program.*

Recommendation III.1.9.3*: *The program should reduce the caseloads of the more experienced attorneys that are carrying a large volume of cases so that they will have additional time to work with and mentor newer staff.*

Staff Training and Mentoring of Newer Attorneys:

Finding 10: The program offers an array of trainings to staff that is sufficient to provide the tools necessary to ensure competent legal services to its clients.

The program is supportive of training for staff and budgets what appears to be an appropriate amount for training and conferences. Staff is provided a variety of training opportunities, the majority of which are within Tennessee but some of which are national, such as Management Information Exchange (MIE) conferences, National Institute of Trial Advocacy (NITA) trainings, the National Taxpayer Advocates Conference, National Consumer Law Center (NCLC) training, National Coalition Against Domestic Violence Conference, the A.B.A. Litigation Section Conference, and the ABA-NLADA Equal Justice Conference, among others. The Tennessee Alliance for Legal Services and the Tennessee Bar Association co-sponsor a statewide legal services conference every year called the Equal Justice University, which many program staff attend regularly.¹² Despite the availability of training for most staff, the staff survey conducted in advance of the visit reflects that close to a quarter of survey respondents disagree that training and professional development opportunities are available for all program staff or that in-house trainings are regularly sponsored by the program. Many Tennessee trainings have been in Nashville and therefore difficult for staff in the more remote offices of the program to attend.

¹² Equal Justice University provides both skills and substantive law trainings for attorneys and non-attorneys in subject areas that range from new attorney skills training to advocating for children with disabilities to working with refugee communities. Sessions are presented by staff from legal services organizations throughout the state as well as by members of the private bar.

LAS established a team of staff members who are overseeing the training related to Legal Files. In addition to conducting training sessions in the branch offices, the team is sending out tips and is answering questions submitted by email. In some instances, the team will share the answers with all the LAS staff. Although there has been a fair amount of training for staff on Legal Files, interviews reflect that more is clearly needed.

The changing demographics of the program's staff led to the formation a few years ago of a newer attorneys support group, known informally within the program as NAG ("Newer Advocates Group"). The group's formation has been embraced and fully supported by management. The visit team found that the existence of NAG and the active participation of its members has had the intended benefit of promoting leadership development and mentoring for newer attorneys. The group meets regularly and encourages the development of newer staff. In fact, NAG has been so successful that attorneys have been reluctant to "age out" of the group. The group has recently expanded to include non-attorney advocates.

On-site interviews reflect that the Tennessee Bar Association, the primary provider of CLE for lawyers in the state, has never been approached by the state's legal services providers and asked for an institutional discount for legal services attorneys, as has been done successfully in a number of other states.

***Recommendation III.1.10.1:** The program should emphasize that the teaching/mentoring function of senior leaders is as important as their case-handling responsibilities and should continue to ensure that the newer attorneys receive the mentoring and professional development needed to prepare to one day take the place of their more senior colleagues.*

***Recommendation III.1.10.2*:** The program should canvass staff to determine the nature of additional Legal Files training that is needed and provide the necessary training. LAS should then ensure that the new CMS is utilized throughout the program by all staff, including some of the more experienced advocates that may be resistant to its use.*

***Recommendation III.1.10.3:** LAS should – through TALS and together with its sister legal services organizations in the state – explore the possibility of seeking a discount on CLE events from the state bar association for legal services organization attorneys.*

Quality of Legal Work and Overall Productivity

Finding 11: LAS' attorneys have the capacity to produce high quality legal work and have engaged in high quality advocacy on behalf of the client community.

The visit team found that LAS attorneys have the capacity to produce and have produced high quality legal work. The program undertakes a full range of representation in a variety of forums including administrative hearings and appeals, as well as state and federal trial and appellate courts. The knowledge level of attorneys within designated specialty areas – as reflected by both the writing samples and on-site interviews with advocates – is considerable. Judges interviewed were highly complimentary concerning the advocacy of program attorneys and viewed them as well-prepared and professional, and recognized their important role as providers of indispensable

legal services in the community. Judges praised both the program as a whole and the attorneys who had practiced before them. One judge described the advocates' work as consistently "above and beyond." A second described them as always well-versed on the law and tenacious in their representation of clients. All expressed the sentiment that there are far too few legal aid attorneys for the number of poor persons needing assistance.

Interviews with individual advocates and a review of the writing samples reflect that program advocates are competent and knowledgeable in their areas of practice. The writing samples submitted were overall quite good, though a small number could have benefited from additional proofing. The samples reflected the broad range of venues in which program advocates practice law, including state trial courts, the Tennessee Court of Appeals, the Tennessee Supreme Court, U.S. District Courts, U.S. Tax Court, the Tennessee Department of Human Services, and local housing authorities. In addition to demonstrating the breadth and complexity of legal issues handled by LAS, the writing samples also reveal the program's capacity to provide high quality legal assistance to the client community.

Though the complexity and nature of legal work performed in program cases vary, depending upon the experiential base and strengths of the individual advocate, program lawyers have employed litigation as a tool to benefit both individual clients and the broader low-income community of persons it serves. In doing so, LAS advocates have worked collaboratively with other organizations representing the same client population and with members of the private bar. The program has not hesitated to engage in advocacy that involves complex legal issues. For example, one of LAS' more experienced attorneys litigated a complex issue concerning the Medicaid/TennCare eligibility of a couple under the Pickle Amendment. The Amendment, named after its congressional sponsor and enacted in 1977, requires that an individual be deemed an SSI recipient (and therefore eligible for Medicaid) under certain circumstances.

LAS attorneys also worked with attorneys with Legal Aid of East Tennessee (LAET),¹³ the National Health Law Program, and the private bar in both Nashville and Philadelphia to help preserve home health services on behalf of 54 disabled persons affected by a change in the state's TennCare (Medicaid) policy. The suit raised claims under the Americans with Disabilities Act. As a result of the program's advocacy, the State of Tennessee agreed to conduct individualized assessments of patients' medical needs, rather than impose across-the-board caps that would have severely burdened families and forced many individuals out of their homes and into institutions or group homes.

The program's advocacy has also yielded monetary benefits for individual clients. For example, an experienced tax attorney in the program has helped clients save significant sums of money, including \$197,000 being assessed by the I.R.S. against an innocent spouse, and \$137,000 in a similar innocent spouse case. The program's low-income taxpayer advocacy before the IRS has obtained millions of dollars for clients, many of whom are immigrants or victims of domestic violence or both. The program's tax attorney specialists have also assisted LAS advocates working on Affordable Care Act (ACA) implementation, as it can involve complex issues of IRS subsidies. In addition, the program's advocates have advised the IRS Commissioner, serve on the

¹³ Legal Aid of East Tennessee's administrative office is located in Knoxville, TN. LAS' Oak Ridge office has also co-counseled a number of tax cases with LAET.

ABA Committee on English as a Second Language, make presentations at the annual LITC convention, and provide support to newly established tax clinics across the country.

The quality of advocacy of the program's leading consumer law attorney so impressed a member of the private bar who was a frequent opponent in court that the latter made a \$1.6 million dollar bequest to LAS that allowed the program to create an endowment funding a full-time attorney position. The bequest of the widow of another attorney familiar with the program's good work was used to create an \$800,000 endowment that supports pro bono clinics operated by the program in the service area.

***Recommendation III.1.11.1:** LAS should take all necessary steps to implement the goals, strategies and objectives set forth under Strategic Priority I of the 2014-2018 Strategic Plan as to performing high-quality casework, achieving significant results for clients, and addressing high-impact issues within communities.*

Finding 12: LAS' extended and contested closed cases reflect the importance attached to this type of representation.

From 2011 to 2012 LAS experienced a decrease in the number of closed cases per 10,000 poor persons – from 185 to 175. At 185 closed cases per 10,000, the program was substantially below the national median (245) and the national average (228) for that year. However, LAS' closed extended cases per 10,000 exceeded national norms (59 vs. 57 and 52), as did its closed contested cases per 10,000 (33 vs. 28 and 29). A number of factors may have contributed to the overall decrease in closed cases during 2012, including a decrease in funding of over \$500,000 from 2011 to 2012. As a result, the program had four fewer advocates in 2012.

LAS has had a greater focus on the provision of extended services, and as a result, the percentage of extended service cases it closed has exceeded the national average for the years 2009 – 2012. On balance, the case service reports reflect a program that is reasonably productive and that recognizes the invaluable benefit of extended service representation to clients. Improvements to the intake system may produce more opportunities for provision of advice and limited services where appropriate.

Criterion 2. Private attorney involvement

Finding 13: LAS' pro bono program in the Nashville area is strong. The program has taken the initial steps to regionalize pro bono within the program and extend Nashville's successes to other offices.

The program's largest and most organized PAI effort is the Nashville Pro Bono program (NPBP) operated jointly by LAS and the Nashville Bar Association. The Nashville pro bono program is staffed by a director, assisted by a support staff person who handles initial referrals and follow-up, and a coordinator who organizes the five pro bono clinics held monthly in the Nashville area. The NPBP is strong and provides a variety of opportunities for volunteers to participate, including acceptance of cases for direct representation, mentoring and co-counseling with less experienced attorneys, and the staffing of advice clinics. During 2013 over 930 attorneys had open cases through the NPBP.

There are four principle sources for the NPBP cases:

- Referrals of intakes conducted by LAS' intake staff and reviewed by the pro bono director for appropriateness for the program;
- Referrals from other public service providers such as: Catholic Charities, Family Resource Centers, Mid-East Community Action Agency, the Tennessee Department of Human Services Quality Income Trust Project, Domestic Violence Centers, the Nursing Home Ombudsman Project, and others;
- The five walk-in clinics held in Nashville;¹⁴ and
- Intakes conducted directly by NPBP in a variety of cases that LAS either does not accept (i.e. adoptions, wills, name changes, bankruptcies) or is not currently accepting due to staffing limitations.¹⁵

The NPBP has developed a step-by-step Legal Files Intake Guide that is used by its volunteers. The Nashville office's family law staff has also developed a guide for use by attorneys representing victims of domestic violence.

Follow-up on cases placed for individual representation by the NPBP is essentially the same as it was during the 2006 LSC visit. Placed cases are tickled 30 days after they are opened and are set to be tickled at 90 day intervals thereafter. At that time an update form is sent by the program to be completed and returned by the attorney handling the case. Client satisfaction surveys are sent to each client at the close of his or her case and the pro bono director follows-up on any indications in the survey responses of client dissatisfaction.

Beyond Nashville, the Legal Aid Society's PAI efforts have been tailored to the areas served by the various offices. Branch offices differ in the ways in which they utilize private attorneys, with some offices being more active than others and one office having no placed PAI cases at all. A couple of the program's branch offices conduct clinics in addition to accepting cases for individual representation. Program oversight and follow-up, too, varies from office to office, as does the utilization of client satisfaction surveys.

Retention and support methods tend to be more uniform throughout the program and typically include providing liability insurance, an hour of CLE credit for every eight hours of pro bono work (up to a maximum of three hours), mentoring, and training of PAI attorneys in traditional legal services areas of law.

To strengthen PAI participation outside the Nashville area, the program's strategic plan articulates a vision to create a new PAI structure that it hopes will enhance pro bono participation throughout the program's entire 48-county service area and in effect "regionalize" the practices and successes of the Nashville Pro Bono Program. This is in keeping with one of the major goals of LAS' strategic plan – to expand and coordinate Pro Bono resources throughout the entire service area in order to better serve individuals in each county.

¹⁴Approximately 10% of clinic cases go beyond the advice and counsel stage and are placed with pro bono attorneys for extended representation.

¹⁵ These intakes are done by student volunteers from Vanderbilt Law School and Belmont University College of Law.

No detail concerning how the contemplated regional structure would operate was provided in the strategic plan or during the on-site visit. However, in a post-visit conversation with the pro bono director, a co-team leader learned that the pro bono director has begun holding meetings in LAS branch offices to discuss regionalization of PAI and has also begun reaching out to bar associations in outlying counties. The program would like to utilize the expertise of law firms in the Nashville area to provide pro bono services to some of the more rural parts of the service area. The program expects to launch this effort in March of this year as a pilot project beginning with its Clarksville, Gallatin, and Murfreesboro offices and would like to focus initially on a couple of substantive law areas where the need is great and pro bono resources outside of Nashville are few or nonexistent. There was general support expressed in many LAS offices for the need to strengthen pro bono in the outlying areas and an expressed optimism that regionalization can bring this about.

Recommendation III.2.13.1*: *In accordance with its strategic plan, LAS should pursue its goal of creating a regional PAI structure and program. LSC encourages the phased-in approach the program appears to be taking. The continued efforts of the pro bono director should promote buy-in and ownership of the PAI effort by making staff in other offices a part of the decision-making process in the development of the regional PAI model. The program should continue to secure input from the branch office PAI staff to assist in the development of a phase-in plan, with specific goals, objectives and time-lines for achieving outcomes.*

Recommendation III.2.13.2: *In the development of a regional program-wide pro bono effort, LAS may wish to build upon the Legal Files Intake Guide developed by the Nashville Pro Bono program and use it as a model for training volunteers to conduct intake in other offices.*

Recommendation III.2.13.3*: *The PAI program should develop a policy and procedures manual for managing the operations of the regional PAI effort that addresses case placement, oversight, follow-up and closing, and contains sample letters and other documents/forms that can be used by regional PAI staff throughout the program. The program need not “reinvent the wheel” in doing so, as there are numerous PAI manuals that can be used as starting points for the crafting of a manual tailored to the LAS service area and its individual needs. Examples of policies and procedures manuals are available at LSC Resource information (www.lri.lsc.gov).*

Recommendation III.2.13.4*: *The PAI program should employ the greater use of technology to engage more private attorneys to accept pro bono case referrals under the new regional structure. For example, using the program’s website as a vehicle to advertise and place pro bono cases could increase private attorney participation and reduce the time spent in making referrals through other methods.*

Recommendation III.2.13.5: *LAS is encouraged to continue to build upon its strong relationships with local bar associations and public service providers in an effort to promote support for and increase participation in PAI efforts.*

Finding 14: LAS’ PAI program is highly productive.

The program's closed cases data for PAI cases is impressive. Its actual PAI closed cases per 10,000 poor have exceeded both that national median and the national average for the past three years¹⁶, as have both the extended¹⁷ and contested¹⁸ PAI closed cases. Both the percentage and number of extended service cases handled by the PAI program has grown steadily over the past three years, due in large part to the success of the Nashville effort.

Criteria 3 and 4. Other program services to and on behalf of the eligible client population

Finding 15: LAS' appreciation of the importance of community education is reflected in the staffing of its community education effort and its sponsorship of "The People's Law School".

LAS has a strong commitment to community education. The program has both a community education coordinator and a community educator and has produced over 150 written brochures and booklets in Plain Language, many of which are available on the program's website. Many of the program's community education materials are also available in Spanish. The program also produces community education materials to address emerging needs, such as assistance in the aftermath of natural disasters and educating the client population about the new health care law.

The community education coordinator, located in the Nashville office, has achieved statewide recognition for her development of readable and understandable notices to clients. She has served as community education coordinator for well-over 25 years and also has a master's degree in social work. A substantial portion of the community education coordinator's time over the past few years has been devoted to maintaining the program's former CMS, FileMaker Pro, which she helped develop. She anticipates that the conversion to Legal Files should free her to devote more resources to community contacts, to spend more time in the community and update the materials on the program's website.

LAS, through its Nashville office, conducts a major community education program each year called "The People's Law School." It is a series of informational classes on topics ranging from Medicaid to tenants' rights, disability law, income tax, consumer, and immigration. The People's Law School typically runs for a couple of months each year, with classes taught in the evenings by LAS staff and volunteers, including members of the private bar.¹⁹

The program's efforts in the area of pro se have focused on work with the Tennessee courts and the state's Access to Justice Commission. One of the program's managing attorneys helped develop forms for debtors to complete and file for exemptions in collection cases. The same attorney is also serving on the Tennessee Access to Justice Commission's Committee on Pro Se,

¹⁶ The figures for LAS for the years 2010, 2011, and 2012 were 43, 43, and 49, respectively. The national median for those years was 23, 26, and 22 and the national average was 31, 30, and 29.

¹⁷ The figures for LAS for the years 2010, 2011, and 2012 were 10, 14, and 18, respectively. The national median for those years was 9, 9, and 8 and the national average was 11, 10, and 9.

¹⁸ The figures for LAS for the years 2010, 2011, and 2012 were 6, 10 and 9, respectively. The national median for each of those years was 3 and the national average was 4.

¹⁹ The People's Law School's 2014 course offerings include an update on the new health care law, social security options, Medicaid payments for nursing homes or home care, know your rights (as a renter), consumer bankruptcy, powers of attorney and conservatorships, advanced care planning, and immigration law.

which will make recommendations on how self-represented litigants can use the judicial system more effectively.

Recommendation III.3.15.1: *LAS should explore adding a video component to its community education materials. Visual images increase readers' understanding, and are more accessible to the low-literacy population. Resources on developing low-cost, effective videos are available on LSNTAP.org.*

Recommendation III.3.15.2: *LAS should take all necessary steps to implement the goals, strategies and objectives set forth in its strategic plan to providing "high quality community education services and updated communication materials that inform and empower" the program's clients."*

PERFORMANCE AREA FOUR. Effectiveness of governance, leadership and administration

Criterion 1. Board governance

Finding 16: **The program has a supportive board of directors that takes its oversight responsibilities seriously. Board members have been particularly helpful in the areas of resource development and helping raise the program's profile.**

LAS appears to have effective board oversight and active board involvement in major policy decisions. The board has grappled with some difficult issues in recent years, including austerity measures that were needed due to decreased program revenues and the provision of legal services in the aftermath of natural disasters affecting the service area. Board members are committed to the program and its mission, vision, and advocacy. Board members participated in the program's strategic planning of 2013. They also help expand resources for the program and promote awareness of its work among the client and legal community. They have been strong supporters of and essential participants in the program's annual campaign, and some members of the board serve as campaign chairs for the office's individual service areas.²⁰

The Board has the following committees: Executive, Audit & Finance, Attorney Fee Policy, Personnel, Nominating, Conflict of Interest, Endowment Investment, Grievance, Compensation Study, Planned Giving, and Nashville Pro Bono Agreement. The Executive Committee is strong and consists of eight members. The executive committee meets six times a year, usually during the month before the full board meeting. It does much of the heavy lifting for the board.

The LAS by-laws provide for a 33-member board. At the time of the visit, only 29 of the board positions were filled. Members are appointed to three-year terms and may be reappointed to an unlimited number of consecutive terms. The board met every two months prior to 2014, but decided that it would begin meeting quarterly in 2014. Many board meetings have included either a report from the general counsel concerning the program's work or a presentation by

²⁰ The campaign has an overall chair – usually an attorney who is not a member of the LAS board – and chairs for each office in the program's service area.

program advocates to the board, so that board members could learn more about staff's efforts on behalf of the poor in middle Tennessee. The board has not had difficulty reaching a quorum for meetings, as by-laws provide that one-third of the directors in office at the time constitutes a quorum for the transaction of business. There was some indication from the board minutes and interviews that attendance at board meetings has decreased over the past couple of years. The board is looking for ways to address this.

Board representation is geographically dispersed throughout the service area as the by-laws specifically apportion members by areas previously served by Legal Aid Society of Middle Tennessee, Rural Legal Services of Tennessee, and Legal Services of South Central Tennessee, the predecessor programs. The board seems appropriately diverse.

Formal board training has been fairly infrequent in recent years. However, a Nashville law firm has conducted a half-day training for board members on their responsibilities. In addition, board members have the opportunity to attend the annual Equal Justice University conference, which some do. Informally, board members' responsibilities are reviewed ad hoc at regular board meetings. The executive director has also met one-on-one with client board members.

The board policy is that the executive director is to be evaluated every year. The board last evaluated the executive director in May of 2013 using an electronic survey instrument and obtaining input from LAS staff and board members. The evaluation was favorable.

***Recommendation IV.1.16.1*:** LAS should follow through on its objective in the strategic plan to provide orientation and board development training for all board members. It should also provide refresher training every year.*

***Recommendation IV.1.16.2:** The program may wish to consider whether a smaller board might be equally effective and result in improved attendance.*

Criterion 2. Leadership

Finding 17: The program's leadership promotes a shared vision of a unified mission and program-wide standards of operation.

The program has effective leadership that has established a shared sense of mission within the program. The executive director has served in his current position for over seven years and impressed the visit team as dedicated and capable. Initially, he was faced with the often daunting task of taking over from a long-time executive director who was well-known and highly esteemed in the community. During his seven plus years as executive director, he has done an effective job of building upon his predecessor's leadership and successes. The executive director has prioritized developing a strong sense of unity within the program. He has made much progress in developing systems at LAS that foster the concept of a unified law firm, with high standards of performance that apply to all employees in all offices and uniform systems to ensure quality legal services throughout the program. He has effectively shepherded the development of an ambitious strategic plan to guide the program's efforts in the upcoming years.

Interviews with board members during the PQV reflect that the executive director interacts well with the board, provides sufficient information for the board to exercise proper oversight and to comply with its policy-making functions, is knowledgeable and keeps informed of new developments in the delivery of legal services to the poor. The executive director has a working knowledge of key groups and individuals within the community, assumes appropriate responsibility for making decisions, has a good sense of priorities, and demonstrates effectiveness in ensuring that LAS services are sufficient to meet current client needs. He has also shown ability in managing the program's budget and finances, works well with the program's fundraising staff in developing and enhancing financial resources, demonstrates effectiveness in responding to the programmatic and fiscal requirements of various funders, and is responsive to board concerns and ideas.

The program has a written succession plan for the position of executive director. LAS's approach to leadership succession for other high-level positions has been to identify staff that demonstrate leadership qualities and explore opportunities with them for their development. An articulated goal of the program's strategic plan is to expand succession planning to other key organizational positions. A strategy identified by the program to achieve this goal is to encourage staff interested in assuming greater leadership roles to incorporate activities into their written professional development plans to fulfill their aspirations.

Criterion 3. Overall management and administration

Management and Administration

Finding 18: The program has an experienced and competent team of managers and administrators.

The management team at the time of the PQV consisted of the executive director, the general counsel, the assistant general counsel, the pro bono director, and the managing attorneys of the program's offices. There is also an administrative staff team consisting of the executive director, the director of operations, the development director, the grant writer, the human resources manager, the accountant, and the grant administrator. The administrative team meets on a monthly basis. The program's office managers aspire to meet in person every few months; in person meetings are important given the difficulty of conducting conference calls. The office managers also have a listserv devoted to their issues.

The general counsel, who also served as managing attorney of the Oak Ridge office prior to his retirement, has promoted high quality advocacy at LAS and the ongoing development of strong legal work management systems. He also has had a leading role in encouraging advocates to work together as a regional law firm, to act strategically, and to work at levels commensurate with their experience and skills. He established and has overseen the program's annual peer file reviews. He also developed and, together with the program's assistant general counsel, helped implement the program's professional development and orientation project for newer lawyers. The plan is a deliberate approach to professional development with benchmarks over a five-year period. Responsibility for ensuring achievement of the benchmarks rests with the managing attorneys of the various offices. Oversight of the plan occurs through a three-person committee, which at the time of the PQV included the general counsel. The assistant general counsel, who is

also managing attorney of the Columbia office, has been an invaluable resource to attorneys throughout the program and has exercised strong leadership in planning reviews of briefs and moot courts for attorneys at both the trial and appellate levels.

Technology

Finding 19: The program's technology is in need of improvement, though it has recently taken a significant step in this direction, with the implementation of a new case management system.

Technology is an area ripe for improvement at LAS. Though some upgrades and improvement have begun already, much remains to be done.

LAS uses a contractor to support its network and technology infrastructure. The contractor provides on-site network support in Nashville one day a week and remote desktop support to other offices of the program. The program has appropriate network security and policies. Backups are run nightly in Nashville, monitored by the IT contractor and tested periodically.

All offices are connected through a Virtual Private Network. Each branch office has its own domain server. The program has thirteen virtual servers running on two physical hosts. Both the physical servers are nearing the end of their expected life cycles and are being run at full capacity. The program plans to upgrade the servers by the end of the third quarter of 2014 and has been moving to upgrade individual staff workstations throughout the program. Upgrade of the main office has been completed, but workstations in many of the branch offices still need to be upgraded. Upgrades to primary workstations are scheduled to be completed by April of 2014.

In August of 2013 the program upgraded to Legal Files as its case management system. Program staff, particularly those who conduct intake, were still adjusting to the new CMS at the time of the visit. A program-specific manual for Legal Files is in draft form and being finalized for distribution. Though the program has an intranet, it does not appear to be widely used as a vehicle of communication or information sharing by staff throughout the program.

About half the offices run on a broadband connection and half still have a DSL Internet connection. The program is working on upgrading all of the offices to a high speed Internet connection. Most of the offices do not have wireless access.

Each office is using a different analog phone system, some of which are more than fifteen years old and fail frequently. The software and telephones are no longer supported and parts for broken phones are difficult to replace. The systems in many offices do not provide caller ID, making it difficult at times to return phone messages. Calls cannot be transferred between offices. The program is aware of the problems with its phone system and the need to replace it, which has arisen as a topic at board meetings. An objective articulated by the program in its strategic plan is to "secure funding for an organization-wide telephone system by June 30, 2014."

Recommendation IV.3.19.1*: *In accordance with its strategic plan, the program should prioritize replacement of its phone system. The program should consult with similar legal aid programs and conduct appropriate research to select a telephone system that best meets the*

needs of the entire program. The program should ensure it has the required bandwidth in all offices prior to implementing a VOIP telephone system.

Recommendation IV.3.19.2:* LAS should develop a comprehensive technology plan and budget appropriate resources to support and prioritize the needed technology upgrades, including a new phone system, server upgrades, increased bandwidth and upgrades to workstations.

Recommendation IV.3.19.3:* The program should consider establishing a technology committee with representatives from different offices and job categories to review ongoing technology needs and training to support and promote the better use of technology throughout the program.

Recommendation IV.3.19.4:* The program should create standard policies and procedures for using Legal Files for case management.

Recommendation IV.3.19.5:* The program should provide ongoing training and support on the new CMS, including providing brief webinars, posting tips and tricks, and offering onsite support as needed.

Disaster Planning and Preparedness

Finding 20: The program has not developed written disaster/continuity of operations plans.

The Legal Aid Society does not have a continuity of operations plan. It has responded well in the past, even in the absence of such a plan. However, awaiting the next natural disaster is not a viable alternative in this day and age. We note that the LAS' strategic plan calls for the development of a comprehensive continuity of operations plan by December 31, 2014.

Recommendation IV.3.20.1:* LAS should not delay in developing a Disaster Response and Recovery/Continuity of Operations plan. Disaster planning materials, including plans developed by other LSC grantee programs, may be found on the LSC Resource Information website at www.lri.lsc.gov. The website also contains links to other useful sites. Disaster planning should be integrated with the program's technology planning.

Criterion 4. Financial administration²¹

Finding 21: LAS systems for financial administration appear sufficient.

The program's accountant has been with the organization for seventeen years. She stated that program audits have not identified any significant fiscal management issues and that the program has been responsive to auditor suggestions for improvement that have been made. The program's grant administrator, who is part of the program's fiscal staff, assists the accountant and will be cross-trained in many of the accountant's job functions.

²¹ This visit was conducted by the Office of Program Performance for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general functions. Assessment of fiscal operations is conducted by other offices at LSC.

The accountant attends all executive committee and full board meetings, and presents updated financial information at every board meeting. Board members receive fiscal information in advance of the board meetings. The board has an audit and finance committee.

Criterion 5. Human resources administration

Finding 22: The program's human resources component seems competently staffed, though its human resources policies are in need of review and updating.

LAS has a capable Human Resources administrator, who is a member of the program's administrative leadership team. She has been with the program or one of its predecessor programs since 1992. The H.R. administrator is responsible for conducting an in-person orientation for each new employee.

The program's Personnel Policies and Procedures include provisions regarding salary, leave time, fringe benefits, holidays; time off; students and temp employees, EEOC complaints, and grievance procedures. LAS also has an Administrative Policy Manual that appears to overlap with the Personnel Policies and Procedures Manual in certain areas and that includes provisions covering salaries; payroll procedures; benefits; time and attendance; policies for hiring, resignation, and termination; as well as job evaluations and classifications. Although many of the human resource materials are posted on Share Point, the program's intranet site, it does not appear that LAS uses the intranet to full advantage.

Some policies have been reviewed within the past 24 months, but the program recognizes that all need a more intense review and update. It has articulated as a priority in its strategic plan for the Human Resources Administrator to take a leadership role in that process during 2014.

The program conducts formal performance evaluations of all staff annually. Newer staff also receives feedback and undergo a less formal evaluation process at the end of their 90-day probationary period.

LAS offers loan repayment assistance to attorneys with high law school debt, in addition to the loan repayment assistance program offered by LSC.

The program's Facebook page regularly recognizes the contributions of staff, often with a positive quote from a client on the services provided by a particular program advocate.

Recommendation IV.5.22.1: *The program should review and update its human resources policies, in accordance with its strategic plan goals.*

Criterion 6. Internal communication

Finding 23: LAS has generally good communication within the program.

There is generally good communication throughout the program. Strengthening communication within the program is a goal of the strategic plan. Communication occurs through various means, including the following:

- Staff receive regular email updates from the executive director on issues of program-wide significance;²²
- Managing attorneys meet regularly and minutes from the monthly meetings are distributed to staff;
- Managing attorneys hold staff meetings in some offices to provide office and program updates;
- The program has two all-staff meetings a year;
- The E.D. or an upper-level administrative staff member visits branch offices fairly regularly;
- The office managers meet once a year;
- Communication occurs as a result of co-counseling by staff in different offices;
- The program’s Lunch and Learns, held in Nashville, provide additional opportunities for communication.²³

A recent all-staff meeting underscored the value of internal communication in helping build the sense that LAS is a single firm. Part of the meeting was spent having each office tell the larger group about some of their efforts on behalf of clients. It was very well received and people throughout the program commented to the visit team on how much they learned about what their colleagues in other offices were doing, and their enhanced sense of pride in the organization’s advocacy on important issues.

In spite of the foregoing, on-site interviews reflected that not everyone in the program is aware of what is being done to address technology issues and problems that may affect staff’s service delivery efforts. The pre-visit staff survey also revealed a general perception by some staff that communication could improve.

Recommendation IV.6.23.1: *The program should take all necessary steps to implement the goals, strategies and objectives of its strategic plan to strengthen “internal communication strategies to inform and connect staff throughout the organization.”*

Recommendation IV.6.23.2: *The executive director is encouraged to continue his regular communications with staff. This will be especially important, once implementation of the strategic plan begins. Leadership is likewise encouraged to continue the practice at the all-staff meetings of having offices share information about their advocacy efforts. A program newsletter and/or expanded use of the program’s intranet should be considered to enhance communication within the program and promote greater utilization of the intranet.*

Recommendation IV.6.23.3: *Program administration should communicate regularly with staff about what is being done to resolve technology-based problems and address technology issues within the program.*

²² A number of staff persons expressed their appreciation for the regular communications from program leadership.

²³ These primarily benefit Nashville staff but are also open to staff from other offices.

Criterion 7. General resource development and maintenance

Finding 24: LAS has a robust resource development component that includes a highly successful annual campaign.

The program has a strong history of efforts to build resources through a variety of sources including government funds and grants, foundations, United Ways, annual law firm giving, and cy pres. Broadening the base of public and private sector support and establishing new giving opportunities that increase the sustainability of the program's mission are major goals of the program's strategic plan.

LAS has two full-time resource development staff persons – the director of development and the grant writer. Given that fundraising is a joint endeavor, their efforts are supplemented by several other persons on staff, primarily the executive director. The director of development has over 25 years of experience in nonprofit fundraising, including having served as the director of development for the National Alliance for Mental Illness, having founded a non-profit organization in rural Tennessee, and having served on several nonprofit boards. She has a strong background in corporate sponsorship and donations. She attends MIE's fundraising conference every year and has also led workshops and been on the planning committee for the conference. She and the executive director make an effective team when approaching potential funders and appear to balance each other's strengths quite well.

The newest addition to LAS' development staff - a grant writer who started with the program in August of 2013 - is also experienced in the area of resource development, including past employment with the Shakespeare Theatre Company as development director, and development work on a contract basis for many nonprofit organizations in the area. A grant administrator, also new to the program, helps prepare the budgets for grant proposals.²⁴

LAS maintains a profile on the Giving Matters website (www.givingmatters.guidestar.org) that provides detailed information for funders, including the program's mission, success stories, leadership profiles, and financial information. However, the program feels that it could make better use of its own website to raise funds and recruit volunteers.

LAS received 39% of its funding from LSC during 2012. The program also receives funding from a variety of sources including the Tennessee Department of Finance and Administration; the Tennessee Administrative Office of the Courts; the Tennessee Bar Foundation; the U.S. Departments of Justice, Housing and Urban Development, and Treasury; area United Ways, the Metro Community Enhancement Fund; and several foundations. LAS also has contracts with the state to represent children in state custody who face delays or denial of health services and to represent disabled recipients of TANF on applications for SSI benefits. Non-LSC funding has held steady or increased slightly in recent years. The program also avails itself of a number of in-kind resources, such as students and volunteer attorneys.²⁵

²⁴ The grant administrator works primarily with the program's accountant and is supervised by her.

²⁵ The program typically has well-over 30 volunteers supplementing the work of staff.

The program's flagship fundraising endeavor is its extremely well-orchestrated and successful annual campaign, called the Campaign for Equal Justice. Members of the board of directors and of the local bar associations play an essential role in the Campaign as both active participants and contributors. The Campaign has an overall chair and several division chairs, including large and small firm co-chairs, a government attorney chair, a corporate attorney chair, judiciary co-chairs, a Williamson County chair, and a community campaign chair.²⁶ There are also local chairs for each of the program's branch offices. The Campaign also establishes a Leadership Cabinet, composed of representatives of law firms that donate at least \$400 per attorney. The kick-off lunch has a corporate sponsor.

Recognition events include a Leadership Cabinet lunch and a luncheon for past campaign chairs. The annual campaign raised over \$766,000 in 2012 and has exceeded its goal of \$760,000 for 2013.

LAS recognizes the need to do more in the area of planned giving and has formalized its efforts in this area by establishing a board planned giving committee in 2012. A small grant from the ABA helped fund a consultant to assist the program with its planned giving project. The strategic plan – a goal of which is to establish new giving opportunities that will increase the sustainability of the program – reflects an awareness of the importance of this area to overall resource development. A strategy for implementing this goal calls for the development a blueprint with timelines to expand the work of the planned giving committee. The program is fortunate to have a number of widely-respected and esteemed alumni to draw upon in building upon its successes in this area and expanding its planned giving efforts.

The program's resource development efforts contain personal touches that are highly effective. For example LAS' 2012 annual report recognized the importance of donors at all levels of giving and included testimonial statements with photos of contributors, large and small. It is the program's practice for the executive director or the director of development to write a personal, hand-written note of appreciation to all donors to the program.

LAS continues to work hard to access resources through new sources, such as ongoing efforts to obtain support from Nashville's music industry through its Music Row Initiative. LAS has begun establishing relationships with members of this thriving industry with an eye to securing a spokesperson and holding fundraising events.

The program has built its reserves to over \$2,000,000 in restricted funds and \$2.7 million in unrestricted funds. It maintains five months of operating expenses.

Criterion 9. Participation in an integrated legal services delivery system

Finding 25: LAS is an active participant in state and regional legal assistance delivery efforts to achieve equal justice and to meet the civil legal needs of low-income persons in Tennessee.

²⁶ The program's community campaign is typically chaired by a prominent member of the community. Among past community campaign chairs is the former mayor of Nashville.

LAS and the other Tennessee legal services programs have a long history of cooperation and coordination on a statewide level through TALS. LAS has two attorney board members on the TALS board of directors – the executive director and the managing attorney of one of its branch offices. Its attorneys actively participate in the TALS coordinated statewide task forces and task force trainings. Some are current or past leaders of task forces. In addition LAS staff are regular presenters at the annual statewide legal services conference.

Staff members are also active on various committees of the Tennessee Access to Justice Commission. Program attorneys have also served as hearing officers for the Tennessee Board of Professional Responsibility. They are active in the TBA's Young Lawyers Division and the American Bar Association and on ABA subcommittees. The executive director co-chairs a TBA committee on the economic impact of legal services on the community. LAS attorneys also serve on the Court Improvement Work Group, a statewide multi-disciplinary group appointed by the Tennessee Supreme Court to review and address issues of safety, permanency, and well-being for children and families in the child welfare system. Many attorneys have held or currently hold leadership positions in their local bar associations.

The Legal Aid Society is recognized as an important partner in the state justice community. It is a strong participant in efforts to develop the skills and knowledge of newer attorneys, increase support and funding for legal services, and bring about increased pro bono involvement by the private bar.

CONCLUSION

The program's strategic plan provides a framework for developing a prioritized and detailed blue print for moving ahead. The recommendations in this report should provide guidance as the program moves forward and gives life to its strategic plan.